

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2204.05
COMPLAINT INVESTIGATOR:	Sally Cook
DATE OF COMPLAINT:	January 6, 2005
DATE OF REPORT:	February 2, 2005
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	May 6, 2005

COMPLAINT ISSUES:

Whether the Andrew J. Brown Academy and the Virtual Special Education Cooperative violated:

511 IAC 7-27-4(c) by failing to utilize the case conference committee (CCC) process to develop the student's individualized education program (IEP), specifically by failing to consider whether there is a need for transportation as a related service.

FINDINGS OF FACT:

1. The Student has been identified as having a learning disability and determined eligible for special education and related services.
2. The Student currently attends a Charter School that provides transportation for its students only if they live within a designated geographic area. The Student does not live in the designated geographic area. The School has no record that the Student's parent requested transportation at the time of enrollment.
3. On October 12, 2004, the Student's case conference committee (CCC) convened to review and revise the Student's individualized education program (IEP). The IEP does not call for transportation as a related service.
4. At the October 12, 2004 CCC, the Parent signed that there were: 1) no written (dissenting) opinions at the case conference committee; 2) the Notice of Procedural Safeguards and Parent Rights in Special Education had been presented, and; 3) the parent agreed with the services recommended and gave permission for the plan to be implemented.
5. The "administration of the (Charter School) is currently transporting (the sibling of the Student) to and from school" until issues, including transportation, for the sibling are resolved through a due process hearing (Hearing # 1464.05).
6. The Student's parent sought to have the Student transported with the Student's sibling. The Charter School's position is that transportation is not required by the current IEP.
7. The Parent has not requested the CCC reconvene.

CONCLUSION:

Findings of Fact #2, #3 and #4 indicate that the School did not fail to utilize the CCC process to develop the student's individualized education program (IEP), specifically by failing to consider whether there is a need for transportation as a related service. Therefore, a violation of 511 IAC 7-27-4(c) is not found.

The Department of Education, Division of Exceptional Learners requires no corrective action based on the Findings of Fact and Conclusions listed above.